

**CRIMINAL JUSTICE SERVICES BOARD
COMMITTEE ON TRAINING**

**MINUTES
*June 10, 2010***

A meeting of the Criminal Justice Services Board Committee on Training (COT) convened at 9:00 a.m. on Thursday, June 10, 2010, in House Room D of the General Assembly Building, in Richmond, Virginia.

Members Present:

Sheriff Beth Arthur
Ms. Kathy Brame (*Proxy for Gene Johnson, Director, Department of Corrections*)
Mr. Kevin S. Hodges
Chief James R. Lavinder
Dr. Jay W. Malcan
Sheriff Charles W. Phelps, Chair
Captain Lenmuel S. Terry (*Proxy for Colonel Steve Flaherty, Superintendent, Virginia State Police*)
Mr. Sherman C. Vaughn

Members Not Present:

Mr. Robert L. Bushnell
Sergeant Charles J. Condon
Chief Alfred Jacocks, Vice Chair
Mr. Edward M. Macon (*Proxy for The Honorable Karl R. Hade, Executive Secretary, Supreme Court of Virginia*)
Ms. Marlene Randall
Mr. Christopher R. Webb

DCJS Staff Present:

Leon Baker
Ron Bessent
Kim Buckner

Sharon Gray
Judith Kirkendall
Lisa McGee

Thomas E. Nowlin
Karen Suttles
Gayle Turner

Others Present:

Marty Alford, *New River Criminal Justice Academy*
Jon Cliborne, *Crater Criminal Justice Training Academy*
Ken Cook, *PIN*
Randy Dawson, *Northern Virginia Criminal Justice Academy*
Richard Eggleston, *Chesterfield Sheriff's Academy*
George Haudricourt, *A.D.T.*
Joe Hill, *Fairfax County Public Safety Academy*
Mike Hill, *Department of Game and Inland Fisheries*
Dwight Jenkins, *DMV; Virginia Highway Safety Office*
Janet Joyce, *Chesterfield Police Academy*
Jan Judy, *Prince William County Criminal Justice Academy*
Stacy Kelly, *Newport News Police Department*
Larry Kiefer, *Virginia Beach Sheriff's Office*
Cindy McAlister, *Fairfax County Public Safety Academy*
Bill O'Toole, *Northern Virginia Criminal Justice Academy*
Shane Roberts, *Portsmouth Sheriff's Office*
David L. Rogers, *Department of Corrections/Academy for Staff Development*
Lorrie Smith, *Chesterfield Police Academy*
Dave Vice, *Rappahannock Regional Criminal Justice Academy*
Mary Kay Wakefield, *Richmond Alarm Company*

Call To Order:

Sheriff Phelps called the meeting to order. The roll was called with eight (8) members present, which indicated a quorum. Chairman Phelps noted that the minutes of the last meeting had been mailed to the members and asked if there were any other questions or comments regarding the minutes. Hearing none, he asked for a motion to approve the minutes. Mr. Vaughan made a motion to approve the minutes, which was seconded, and the minutes were approved unanimously.

Public Hearings:

2010 Suggested Changes to Entry-Level Courtroom Security Training

Sheriff Phelps officially opened the public hearing by reviewing the procedure that would be followed during the process. He noted that the hearing would deal with the 2010 Suggested Changes to Entry-Level Courtroom Security Training. He introduced Judy Kirkendall to present

a brief overview of the regulations and discuss their specific points. Ms. Kirkendall indicated that Sheriff Steve Draper, City of Martinsville, was to present the changes but would be unable to attend. She distributed a comment matrix and reviewed the comments. (*Copies are available upon request.*)

Ms. Kirkendall advised that the purpose of this revision was to separate the Jail, Court Security and Civil Process standards. She noted that several years ago when the initial Jail/Court Security/Civil Process Job Task Analysis (JTA) Advisory Committee worked on revising those standards, it was given the task of combining them as they had been previously separated. She mentioned that this had proved to be more complex and less easily understood than was hoped for. Having observed this, the Advisory Committee believed that separating those sets of standards would enable agencies and academies to comply with them more efficiently and effectively.

Ms. Kirkendall reviewed the comments that were received relating to the proposed Court Security standards. She indicated that the initial recommendation from Northern Virginia Criminal Justice Academy was that the same system be used as the pre-2006 standards stating which of the jails standards a prospective court security candidate would and would not have to perform within the existing jails standards and only print the additions. Ms. Kirkendall noted that the Curriculum Review Committee (CRC) proposed those changes to address the concerns of more easily training court security/civil process officers separately from jail officers. They believed that the standards should specifically be met related to court security training. The standards had been separated from jails training standards in order to provide clarity. Ms. Kirkendall indicated that the CRC recommended that the proposed package be adopted with the few adjustments that were noted throughout the comment matrix that was before the COT. (*See Comment Matrix*)

Ms. Kirkendall indicated that proposed criteria **3.2.3** was missing from the packets that were mailed to the constituents. She advised that the proposed court security standards were included in the packets before the COT. However, she did not know why it was omitted from those mailed in February.

Sheriff Arthur mentioned that one of her lieutenants who oversaw court security was experienced and had written a book on the subject also worked with Ms. Kirkendall to tweak a couple of items on court security. Ms. Kirkendall noted that all members of the CRC felt that the lieutenant made excellent suggestions and those were presented in the packet and recommended for approval. Ms. Kirkendall added that eliminating the jail definition to define court security would afford sheriffs more flexibility in hiring personnel.

Sheriff Arthur asked if the committee was recommending that court security holding cells be searched in **Category 6**. Ms. Kirkendall responded that those were incorporated in the whole package. She introduced Sharon Gray, Manger, DCJS Jails Training, to address the question. Ms. Gray noted that **Category 6** was the same as the jail, with the exception that the change was from “cell search” to “holding cell search.” She noted that it was so close to the jail that trying to suggest that the criteria would not be changed as much.

Ms. Kirkendall indicated that William O’Toole, Director, Northern Virginia Criminal Justice Academy, had requested the opportunity to speak to the Committee. Mr. O’Toole mentioned that

he appreciated the CRC's and Ms. Kirkendall's looking at the recommendations for change that were implemented and had no problem with those that were not implemented.

Chairman Phelps asked if there were any questions or comments and if there were any individuals who had pre-filed or signed the sign-up sheet to speak during the hearing. There were none. Chairman Phelps asked if the Committee wanted to discuss the suggested changes individually. Sheriff Arthur made a motion to adopt the new standards, and Dr. Malcan seconded. Ms. Kirkendall noted that the standards were not regulatory and did not have to go to the full Criminal Justice Services Board for approval as they were within the training standards, which the COT had the authority to adopt. The Committee voted, and the motion was carried unanimously. Chairman Phelps thanked the CRC for their work

Old Business:

Update Related to Private Security Training.

Chairman Phelps introduced Lisa McGee, Office of Regulatory Affairs, to provide an update on items related to Private Security Services. Ms. McGee advised that the Department began regulatory action to review and recommend amendments based on legislative action that required development of regulations for locksmiths and further development of regulations relating to detector canine handlers and examiners. They conducted a comprehensive review to amend and revise the rules mandating and prescribing standards, requirements and procedures that serve to protect the citizens of the Commonwealth. She indicated that they also made every attempt to ensure complete transparency and include members of the regulated industry.

Ms. McGee advised that the Administrative Processes Act (APA) provided that the Department allow a 60-day comment period after the publication of the proposed regulatory documents. The Department also conducted various public hearings throughout the Commonwealth, in addition to the Private Security Services Advisory Board (PSSAB) meetings and various sub-committee meetings. She indicated that they received seventy-nine (79) comments through the Town Hall, as well as comments made directly to the Department. She advised that the Department had decided to include those comments in the public documents and allow an additional thirty- (30-) day comment period. She noted that once the revised document was submitted to the Department of Planning and Budget (DPB) and approved via the executive process, the final revised document would be posted on the Virginia Town Hall and in the Virginia Register.

In addition to the inclusion of the regulations for locksmiths, detector canine handlers, and examiners, the Department had made recommendations to increase the level of competency for all positions using firearms, increase the mandated professional development requirements for certified instructors, and include established guidelines for on-line training for the industry and training schools. Ms. McGee advised that the industry would be notified of the publication of the revised regulations and would conduct a public hearing before the COT to recommend approval by the Criminal Justice Services Board.

Chairman Phelps asked if there were any questions or comments. Mr. Hodges asked if the document Ms. McGee mentioned would be available to the public. Ms. McGee responded that that would be dependent upon the Executive Review. She advised that the document would go

back to DPB, the Office of the Secretary of Public Safety, and the Governor's Office. She noted that a lot of the amendments that were initially introduced in the original proposal had been removed. She added that there would be a thirty-day comment period after the document was received from Executive Review.

Dr. Malcan asked if the standards would be set to accept credit for online training as online training was being offered by many schools. Ms. McGee responded that the Department certified all training for the Private Security Training Schools, and they were establishing guidelines for those types of training to be offered online. Dr. Malcan asked if the online training was for only the Private Security Training Schools or for the entire Department to accept online training, in general. Ms. McGee noted that her reference to approving standards for online training credits was specifically in regards to the private security industry.

Alzheimer's Training Update.

Hearing no other comments, Chairman Phelps advised that the order of the meeting would change, as Old Business would be resumed after hearing New Business was heard.

New Business:

Nominees for Law Enforcement Curriculum Review Committee.

Chairman Phelps asked Ms. Kirkendall to present the nominees for the Law Enforcement Curriculum Review Committee. Ms. Kirkendall informed of the following nominees:

- Mitch Banta, Director, Central Shenandoah Regional Criminal Justice Academy,
- Major Cynthia McAlister, Fairfax County Criminal Justice Academy, and
- Charles Long, Piedmont Regional Criminal Justice Academy.

Sheriff Phelps asked if there were any questions or comments. Mr. Hodges made a motion to accept the nominations. Captain Terry seconded, and the nominees for the Law Enforcement Curriculum Review Committee were approved unanimously.

Virginia Highway Safety Office.

Chairman Phelps advised that in October 2009, the National Highway Traffic Safety Administration (NHTSA), in cooperation with the Virginia Highway Safety Office (VHSO), conducted an assessment of the Commonwealth of Virginia's Standardized Field Sobriety Tests (SFST). This comprehensive assessment looked at every aspect of SFST's, from training to adjudication. He informed that the technical assessment team had made numerous recommendations as a result of the assessment, some of which would impact law enforcement training, both entry-level and advanced. He introduced Frank Kowaleski, Virginia Highway Safety Office, to discuss this further with the Committee.

Mr. Kowaleski mentioned that he also had brought several experts to assist with responding to questions from the Committee, including: Bob Weekly, Deputy Director, VHSO; Dwight Jenkins, Program Monitor for the Tidewater area; Mr. E. C. "Butch" Letteer, Alcohol Programs Coordinator for the Commonwealth and Program Manager, VHSO; Sgt. Scott Wichtendahl, Traffic Safety Unit, Virginia Beach Police Department, and Mr. Brian Chadrow, National Highway Transportation Safety Administration (NHTSA), who coordinated programs in the judiciary/prosecutorial areas of highway safety.

Mr. Kowaleski distributed copies of the "Assessment of the Commonwealth of Virginia's Standardized Field Sobriety Testing Program." (*Copies available upon request.*) He noted that the assessment was done in Virginia by NHTSA in cooperation with the International Association of Chiefs of Police (IACP) and the International Association of Directors of Law Enforcement Standards and Training (IADLEST).

Mr. Kowaleski indicated that one of the recommendations was that the training of field sobriety testing needed to be standardized in the Commonwealth. He mentioned that that was not unique to Virginia. However, it was one of the reasons NHTSA was assessing states in that area. He noted that in Virginia their mandate stopped short of recommending that particular type of training. He added that SFST was the only scientifically proven method for officers to determine intoxication or impairment at roadside.

Mr. Kowaleski advised that it was the VHSO's request that the COT consider allowing SFST, as put forth by NHTSA and the IACP, to become a part of the COT's mandate. He added that the VHSO was ready to assist with the implementation, whether in the form of funding or instructional support. He noted that they had met with academies and had trained a cadre of instructors across the state that was ready to go forth and train others. He mentioned that they were aware there were also officers who had not been properly trained in field sobriety, which would have to be addressed. Mr. Kowaleski noted that the VHSO proposed to start the training with entry-level officers and have officers in the field come in for in-service training.

Mr. Kowaleski mentioned that the VHSO would start tracking those individuals so that when changes were made within the curriculum, they could readily identify them to update them on training. He stressed that the training was desperately needed as the VHSO found that some officers were being trained according to the curriculum that was developed in 1996, when more recent curriculum had been developed in 2007.

Sheriff Phelps asked if there were any questions or comments. Hearing none, he indicated that he participated in the assessment and appreciated their efforts. He suggested that the members of the COT review the assessment as officers would have to be sent for additional training in order to meet the standards if they were to be adopted. He noted that those changes could improve law enforcement efforts out in the field. Chairman Phelps added that there had been situations where officers followed the right procedure in court in conducting field sobriety tests, and judges would have reservations if officer's procedures were inconsistent.

Captain Terry made a motion that the CRC review the assessment and bring recommendations before the COT at the next meeting in September. Mr. Vaughn seconded, and the motion was carried unanimously.

Old Business (con't)

Alzheimer's Training

Hearing no other comments, Chairman Phelps introduced Ron Bessent, Office of Planning, Training and Research, to apprise the Committee of recent events that had gained national attention for the Alzheimer's Training Program. Mr. Bessent indicated that the Department had been providing the Alzheimer's program for the past twelve (12) years and averaged eight (8) to ten (10) trainings each year. He noted that they had recently started working with the Department of Corrections (DOC) to train correctional officers. He mentioned that the Alzheimer's program had trained over one hundred and nineteen (119) officers over the past few months, which was not including DOC.

Mr. Bessent advised that earlier the Alzheimer's program had been cut from the Governor's budget. So, the Department looked to alternative funding. In their research, they found a Byrne Grant that asked for organizations to develop a missing Alzheimer's persons' tool kit. The purpose of the grant was to encourage organizations to look at technology available in the field to help find missing individuals and evaluate the technology to further develop it for distributing the information to trainers on a national scale. He noted that the Department felt that their Train-the-Trainer program was one of the best in the country and submitted a grant proposal with the hope of hearing a response shortly.

Mr. Bessent mentioned that the National Alzheimer's Association (NAA), who had proffered to work with the Department, did not apply for the grant. However, the NAA was using DCJS information to present national training and was supporting the Department's efforts. He also noted that the program had worked in conjunction with Project Lifesaver, Inc., which was an association that fitted individuals with Alzheimer's a transmitter so that law enforcement could easily locate them should they go missing from their residents. Mr. Bessent identified several other agencies that were supportive of the Department's efforts and their pursuit of the grant, including: the Virginia Association of Chiefs of Police (VACP), National Sheriff's Association (NSA), National Search and Rescue Organization (NASO), National Organization of Black Law Enforcement Executives (NOBLE), National Missing and Unidentified Persons System (NamUs), which was a clearinghouse of missing persons, and the International Association of Law Enforcement Standards and Training (IADLEST).

Mr. Bessent noted that the grant would be in the amount of 1.17 million dollars, which would enable the Alzheimer's program to work with individuals on a national level to develop the program and bring it to the forefront nationally.

Mr. Bessent mentioned that a reporter from the New York Times attended one of the trainings at the Northern Virginia Criminal Justice Academy. The reporter interviewed the participants, including Bob Schaefer, a presenter for the Department who had personal experiences with the disease when his wife was diagnosed. Mr. Bessent distributed a copy of an article that was on the front page of the New York Times entitled "More Wander Off in Fog of Age." (*Copies available upon request.*) Mr. Bessent added that the article highlighted how individuals with Alzheimer's disease and dementia had gone missing and the effects on their families. The article also included Mr. Schaefer's efforts and training in Virginia.

Other states saw the article and requested the Department's training for their own programs. Mr. Bessent noted that the advantages of the article and its impact on the program in Virginia were that it brought more attention to the disease and the problems families encountered and the fact that law enforcement would have to receive proper training in order to go out to find missing individuals.

Mr. Bessent shared a video clip of the training session. He advised that he was also informed that a Dutch company had contacted the Northern Virginia Criminal Justice Academy to gain access to the program.

Sheriff Phelps opened the floor for comments or questions. Sheriff Arthur complimented the program on the training they provided as it was helpful for staff and the officers who received the training. Mr. Bessent noted that the training was also inclusive of any disease with dementia-related symptoms. Officers had been called to situations where individuals had been roaming around in their backyards and later determined that this was related to diabetes. Thus, officers were being trained to identify those actions were related to diseases other than Alzheimer's. Sheriff Arthur mentioned that autism was included as one of the alternate diagnoses and related one of her experiences in that area. Mr. Bessent added that the program was working with other programs to include autism as one of the diagnoses on which to train officers.

Mr. Hodges mentioned that he was a member of Project Lifesaver of Chesapeake in previous years and wanted to applaud the Department's involvement in working with those diseases. He indicated that he also had relatives who were diagnosed with Alzheimer's and dementia.

Sheriff Phelps advised that he was involved with Alzheimer's training early on when law enforcement was naïve to the situation. He noted that the training was extremely important in those efforts. Mr. Bessent added that he wanted to thank the directors of the academies for allowing them to provide the training at their facilities and especially, Northern Virginia, whose training session was an added plug in the video.

Public Comment

Sheriff Phelps asked if there was anyone in the audience that would like to address the COT concerning matters within its purview. Hearing none, he moved to the next item.

Next Meeting

Sheriff Phelps advised that the next meeting of the Committee on Training was scheduled for Thursday, September 16, 2010.

Chairman Phelps added that, on behalf of the Committee on Training, he wanted to thank and present plaques to the following members for their service to the Committee:

- Sheriff Beth Arthur, 2nd term expiring on June 30, 2010,
- Chief Alfred M. Jacocks, retiring in July 2010,

- Mr. Kevin S. Hodges, term expiring as he would no longer be serving on the PSAAB,
- Chief James R. Lavinder, term expiring on June 30, 2010,
- Jay W. Malcan, Ph.D., 2nd term expiring on June 30, 2010,
- The Honorable Marlene Randall, term expiring on June 30, 2010, and
- Mr. Christopher R. Webb, 2nd term expiring on June 30, 2010.

Adjournment

A motion was made by Mr. Hodges to adjourn the meeting. The motion was seconded by Sheriff Arthur and was carried unanimously. The meeting was adjourned at 10:04 a.m.

Respectfully submitted,

Thomas E. Nowlin
Recording Secretary

Approved: _____

The Honorable Charles W. Phelps
Chair

Date

Attachment(s)